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PTO/SB/97 (00-04)

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on Friday, July 15, 2005  
Date

Eugene H. Valet  
Signature

Eugene H. Valet

\_\_\_\_\_  
Typed or printed name of person signing Certificate

31.435

Registration Number, if applicable

425-672-3147

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Papers submitted herewith for U.S. Ser. No. 09/833,390 (Triola)

- (1) Petition, In Response to Notification of Non-Compliant Appeal Brief, 2 pp
- (2) Exhibit No. Triola A, COPY Notification of Non-Compliant Appeal Brief, 1 p
- (3) Exhibit No. Triola B, COPY Page 3 of 81 of Appeal Brief on file, 1 p
- (4) PTO/SB/122 Change of Correspondence Address, 1 p.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**CENTRAL FAX CENTER****JUL 15 2005**1 **AFTER FINAL COMMUNICATION**2  
3 **URGENT ATTN: James Trammel, Supervisory Examiner, Art Unit 3621**  
45  
6 **PETITION**  
7 **IN RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**  
8 **SUPPLEMENTAL TO APPEAL BRIEF**9  
10 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
11 **UNDER GRANTED PETITION TO MAKE SPECIAL**12  
13 **GROUP ART UNIT: 3621**14  
15 **EXAMINER: Backer, Firmin**16  
17 **INVENTOR(S): Triola, C.R.**18  
19 **SERIAL NO.: 09/833,390**20  
21 **CONF. NO.: 3769**22  
23 **FILED: April 11, 2001**24  
25 **SUBJECT: Method and Apparatus for Processing Escrow Transactions**  
2627  
28 **TO: THE COMMISSIONER FOR PATENTS**  
29 **ATTN: James Trammel, Supervisory Examiner, Art Unit 3621**  
3031 **Appellant has received the attached Notification of Non-Compliant Appeal Brief, Exhibit Triola A.**  
3233 **In It Examiner Backer has checked only box 9: "The brief does not contain copies of the**  
34 **decisions rendered by a court or the Board in the proceeding identified in the Related Appeals**  
35 **and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x))."**  
3637 **Attached as Exhibit Triola B, is a true and correct COPY of page 3 of 61 of the questioned brief;**  
38 **note that it clearly states: "There are no related appeals nor interferences."**  
3940 **The Notification requires that: "to avoid dismissal of the appeal, applicant must file a complete**  
41 **new brief...". Such a "new brief" would be identical to the brief on file.**  
4243 **The undersigned left a voice message for the Primary Examiner, F. Backer, at approx. 4:30 p.m.**  
44 **EDT, July 14, 2005, explaining the aforesaid discrepancy and requesting a return phone call at****DOCKET NO. CRT044US**

Page 1 of 2

1 11:00 a.m. EDT/8:00 a.m. PDT local, on July 15, 2005. The undersigned has received no return  
2 call as of this filing.

3  
4 Therefore, appellant respectfully petitions the Office to immediately:

- 5  
6 (1) Withdraw the Notification of Non-Compliant Appeal Brief, and  
7 (2) Remove the requirement that "applicant must file a complete new brief."

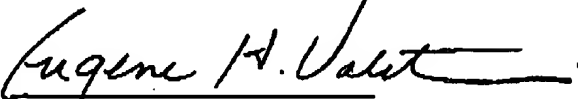
8  
9 In view of the 30 day time period set to expire on August 12, 2005, appellant respectfully  
10 requests that a written response to this Petition be sent by facsimile transmission to the  
11 undersigned as soon as possible to avoid the need of filing an exact duplicate of the on file  
12 Appeal Brief which does nothing to advance prosecution and under MPEP 904.03, "...adds to  
13 the burden and cost of prosecution. . ."

14  
15 A form PTO/SB122 is filed herewith. It is respectfully requested that this Change of  
16 Correspondence Address be made effective immediately.

17  
18 Questions or a teleconference may be directed to the undersigned at 425-672-3147, PDT  
19 business hours 9 a.m.-4 p.m.

20  
21 Date: 15 July 2005

Respectfully submitted,

22  
23   
24 Eugene H. Valet  
25 Attorney Reg. No. 31435  
26 (425) 672-3147 fax (425) 640-0525

27 Eugene H. Valet  
28 Valet.Patents@verizon.net  
29 //  
30

JUL 15 2005

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	Application No. 09/833,390	Applicant(s) TRIOLA, C. RICHARD	
	Examiner Firmin Backer	Art Unit 3621	

**-The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

The Appeal Brief filed on 05 May 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

EXHIBIT NO.

TRIOLA A.

COPY

*Firmin Backer*  
Firmin Backer  
Primary Examiner  
Art Unit: 3621

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JUL 15 2005

## 1 REAL PARTY IN INTEREST

2 Inventor C. RICHARD TRIOLA, an individual and a citizen of the United States of America.

3 Official correspondence in this Appeal should be addressed to:

4  
5 Eugene H. Valet\*  
6 314 10<sup>th</sup> Ave. South  
7 Edmonds WA 98020-3312  
8 Tel. No. 425-672-3147  
9 Fax No. 425-640-0525EXHIBIT NO. TRIOLA B  
9/1

COPY

10 \* Attorney of Record (Reg. No. 31435 - - Customer No. 000045233)

## 11 RELATED APPEALS AND INTERFERENCES

12 There are no related appeals nor interferences.

## 13 STATUS OF CLAIMS

14 Claims 4 through 21 are pending. Claims 1-3 were cancelled by Appellant Triola in response  
15 to a non-final Office Action issued before the appealed Final Office Action, mailed on March 3,  
16 2005, and before citation by the Office of the reference-in-issue. Claims 4, 11, 14, 15, 16, 17  
17 and 21 are independent claims. The pending claims in clean form are attached hereto in the  
18 CLAIMS APPENDIX.19 All claims are rejected as anticipated pursuant to Sec. 102(e). A single reference is relied  
20 upon against all pending claims: U.S. Publ. No. US2002/0046144 A1 by R. A. Graff, published  
21 on Apr. 18, 2002 ("Graff Publ." hereinafter), on U.S. Pat. Appl. Ser. No. 09/785,254, filed Feb.  
22 16, 2001 (a continuation of U.S. Ser. No. 09/134,451, filed on Aug. 14, 1998, now Pat. No.  
23 6,192,347 ("Graff '347" hereinafter). A single chain-citation to the Graff Publ. is relied upon in  
24 each rejection.